

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
UNITED STATES OF AMERICA, :

15-Cr-866 (SHS)

-v- :

ORDER

ROGER THOMAS CLARK, :

Defendant. :

-----X
SIDNEY H. STEIN, U.S. District Judge.

Defendant was originally scheduled to be sentenced by Judge William H. Pauley, III, in 2020. The Final Presentence Investigation Report was filed on July 8, 2020 [Doc. No. 56], and the parties' submissions were filed shortly thereafter [Doc. Nos. 63 and 64]. Clark's sentencing date was subsequently adjourned several times due to the COVID-19 pandemic [Doc. Nos. 49, 59], Clark's limited access to legal materials [Doc. Nos. 61, 68], his illness and later injuries suffered during a fall at the MDC [Doc. Nos. 70-118], and his decision to proceed *pro se*. [Doc. Nos. 130-140]

In July of 2022, Clark wrote to this Court concerning his conditions of confinement. [Doc. No. 147.] The Court ordered the government to investigate those conditions, set a schedule for any additional sentencing submissions, requested an updated PSR, and set sentencing for September 22, 2022. [Doc. No. 148, 149.]

On August 30, 2022, Clark requested yet another adjournment of his sentencing on the grounds that he was still unable to access his legal documents, as well as continuing medical issues [Doc. No. 156]. On September 16, 2022, the Court directed the government to respond to Clark's contentions, adjourned the sentencing to January 26, 2023, requested an updated PSR, and provided for Clark to submit any supplemental sentencing submission by December 30, 2022. [Doc. No. 157.]

On November 2, 2022, the Probation Department issued its Revised Final Presentence Investigation Report [Doc. No. 159], and on December 28, 2022, the government responded to Clark's contentions regarding his medical conditions and alleged inability to prepare for sentencing, asserting that he is capable of proceeding to sentencing.

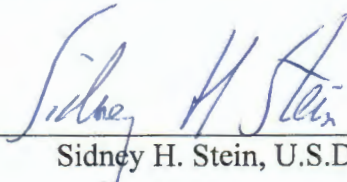
On December 29, 2022, Evan Lipton, Clark's standby counsel, wrote that Clark was requesting yet another adjournment of sentencing on the grounds that he has not been able to prepare for his sentencing "due to his medical conditions and lack of adequate care, and because his legal research and work product has been taken from him." [Doc. No. 160.] The letter also requested a status conference, and that Clark be given an extension on filing his supplemental

sentencing submission and an opportunity to respond to the government's December 28 letter. The government responded that it is prepared to proceed with the sentencing as scheduled. [Doc. No. 162.]

IT IS HEREBY ORDERED that the deadline for Clark to submit any supplemental sentencing submission and the January 26 sentencing date are adjourned *sine die*. If Clark wishes to respond to the government's December 28 letter, he should do so by February 10, 2023. There will be a status conference in this matter on February 14, 2023, at 10:00 a.m., in Courtroom 23A, 500 Pearl Street, New York, New York.

Dated: New York, New York
January 11, 2023

SO ORDERED:



Sidney H. Stein, U.S.D.J.